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3 **BEFORE THE ARIZONA MEDICAL BOARD**

4 In the Matter of

5 **SAM HOCHANE, M.D.**

6 Holder of License No. **32092**

7 For the Practice of Allopathic Medicine
8 In the State of Arizona.

Case No. MD-10-0904A

MD-10-0768A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

9 **INTRODUCTION**

10 The above-captioned matter came on for discussion before the Arizona Medical
11 Board ("Board") at an emergency Board teleconference meeting on September 21, 2010.
12 After reviewing relevant information and deliberating, the Board voted to consider
13 proceedings for a summary action against Sam Hochane, M.D.'s ("Respondent") license.
14 Having considered the information in the matter and being fully advised, the Board enters
15 the following Interim Findings of Fact, Conclusions of Law and Order for Summary
16 Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-
1451(D).

17 **INTERIM FINDINGS OF FACT**

18 1. The Board is the duly constituted authority for the regulation and control of
19 the practice of allopathic medicine in the State of Arizona.

20 2. Respondent is the holder of License No. 32092 for the practice of allopathic
21 medicine in the State of Arizona.

22 3. In November 2007, Board staff interviewed Respondent regarding an
23 allegation that he had inappropriately touched a patient, M.A. During that interview
24 Respondent denied sexually touching patient M.A.
25

1 4. On May 6, 2009, Respondent was arrested for sexual abuse for allegedly
2 inappropriately touching female patient D.F. during a medical examination. The Board
3 initiated case MD-09-0602 based upon the arrest and the allegations of sexual
4 misconduct.

5 5. On May 8, 2009, Respondent entered into a Consent Agreement for
6 Practice Limitation with the Board that prohibited him from practicing medicine and from
7 prescribing any form of treatment including prescription medications until he applied and
8 received permission from the Board to do so. On May 27, 2009, the board ordered
9 Respondent to undergo a psychosexual evaluation.

10 6. On June 17, 2009, Respondent presented for a comprehensive
11 psychosexual evaluation. The evaluators' diagnostic impressions were that there was
12 professional sexual misconduct and intensive residential treatment program prior to
13 returning to practice was recommended. In addition, a prescribing practices course was
14 recommended.

15 7. On August 12, 2009, Respondent underwent intensive residential treatment
16 and was discharged on September 3, 2009. The discharge diagnosis included
17 professional sexual misconduct, narcissistic personality traits and relational issues with
18 peers.

19 8. On December 2, 2009, the Board issued a disciplinary order for Decree of
20 Censure and Practice Restriction to Respondent for case MD-09-0602A (December 2,
21 2009, order"). The order restricted Respondent's practice to male patients only for a
22 minimum of six months and placed Respondent on probation for five years with several
23 terms and conditions.

24 9. Pursuant to the terms of probation, Respondent had to enter a contract with
25 a Board pre-approved monitoring company to provide all monitoring services and obtain

1 individual psychotherapy with an approved psychotherapist who specializes in sexual
2 issues. The probation terms also required Respondent to attend weekly group therapy
3 sessions and to participate in a 12-step recovery program to address his sexual issues.

4 10. The December 2, 2009, order specified that Respondent had to participate in
5 the Professional Enhancement Program (PEP) at Pine Grove and, within six months after
6 the date of the order, present to PEP for a re-evaluation and determination of future
7 workplace recommendations, including, but not limited to an assessment to determine
8 whether Respondent can see female patients and whether he needs a chaperone.

9 11. Finally, the December 2, 2009, order required Respondent to submit to
10 polygraph testing every six months and to obtain 10 - 15 hours of pre-approved Category I
11 Continuing Medical Education (CME) in boundaries and 10 - 15 hours in prescribing within
12 six months of the order.

13 12. In May 2010, Respondent pled guilty to felony charges for sexual abuse of
14 patient D.F. in April 2009 and for sexual abuse of M.A. in November 2007. As a result of
15 the plea agreement, Dr. Hochane received seven years of probation and a six month
16 period of incarceration beginning in January 2011. The probation order issued by the
17 court also requires Dr. Hochane to abide by the terms of the Board's December 2, 2009
18 order.

19 13. As required by the Board's order of December 2, 2009, Respondent entered
20 into a contract with Affiliated Monitors, Inc. (AMI), to provide all monitoring services. AMI
21 provided a report to the Board dated July 6, 2010, in which the monitors stated that
22 Respondent had violated the terms of the Order by failing to attend individual and group
23 therapy as ordered; failing to continue his participation in a 12-step recovery program; and
24 failing to complete the CME courses as ordered.

1 14. On July 20, 2010, the Board received a statement from Respondent in which
2 he admitted to sexually touching M.A., an allegation that he had denied when interviewed
3 by Board staff in 2007.

4 15. On September 15, 2010, Board staff received a report from AMI that
5 indicated continued non-compliance with the terms of the order. Specifically, AMI reported
6 that Dr. Hochane did not participate in group therapy, individual psychotherapy, or the
7 twelve- step or Caduceus Program , nor did he obtain the continuing medical education
8 ordered by the Board. Subsequently, Board staff spoke with Dr. Hochane, who stated
9 that he would no longer comply with the terms of the order due to financial constraint.

10
11 **INTERIM CONCLUSIONS OF LAW**

12 1. The Board possesses jurisdiction over the subject matter hereof and over
13 Respondent, holder of License No. 32092 for the practice of allopathic medicine in the
14 State of Arizona.

15 2. The conduct and circumstances described above constitute unprofessional
16 conduct pursuant to A.R.S. § 32-1401(27) (d) ("[co]mmitting a felony, whether or not
17 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,
18 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
19 evidence of the commission."), A.R.S. § 32-1401(27)(z) ("[e]ngaging in sexual conduct
20 with a current patient or with a former patient within six months after the last medical
21 consultation unless the patient was the licensee's spouse at the time of the contact or,
22 immediately preceding the physician-patient relationship, was in a dating or engagement
23 relationship with the licensee. For the purposes of this subdivision, "sexual conduct"
24 includes: . . . (ii) Making sexual advances, requesting sexual favors or engaging in any
25 other verbal conduct or physical contact of a sexual nature."); A.R.S. §32-1401(27)(r)

1 ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered
2 into by the board or its executive director under the provisions of this chapter."); and
3 A.R.S. § 32-1401(27)(jj) ("[k]nowingly making a false or misleading statement to the board
4 or on a form required by the board or in a written correspondence, including attachments,
5 with the board.")

6 3. Based on the foregoing Interim Findings of Fact and Conclusions of
7 Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. §
8 32-1451(D).

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10 **INTERIM ORDER**

11 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
12 above,

13 IT IS HEREBY ORDERED THAT:

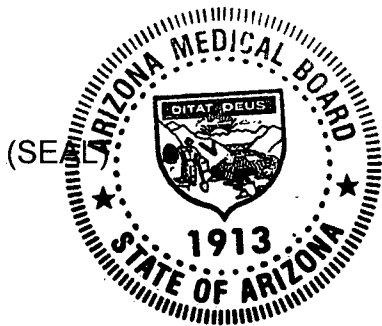
14 1. Respondent's license to practice allopathic medicine in the State of Arizona,
15 License No. 32092, is summarily suspended.


16 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
17 to Respondent of the charges of unprofessional conduct made by the Board against him.
18 Respondent is entitled to a formal hearing to defend these charges as expeditiously as
19 possible after the issuance of this order.

20 3. The Board's Executive Director is instructed to refer this matter to the Office
21 of Administrative Hearings for scheduling of an administrative hearing to be commenced
22 as expeditiously as possible from the date of the issuance of this order, unless stipulated
23 and agreed otherwise by Respondent.

24 DATED this 21ST day of SEPTEMBER, 2010.

25 ARIZONA MEDICAL BOARD



By: 
LISA S. WYNN
Executive Director

5 ORIGINAL of the foregoing filed this
6 21st day of September, 2010, with:

7 The Arizona Medical Board
8 9545 E. Doubletree Ranch Road
9 Scottsdale, AZ 85258

9 Executed copy of the foregoing mailed by Certified
10 Mail this 21st day of September, 2010, to:

11 Sam Hochane, M.D.
12 Address of Record

12 Executed copy of the foregoing mailed by certified
13 mail this 21st day of September, 2010, to:

14 Anne Froedge
15 Assistant Attorney General
16 Arizona Attorney General's Office
17 1275 West Washington, CIV/LES
18 Phoenix, AZ 85007
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